# Who is the Law Maker

Compiler : Al-Balagh Foundation
Publisher : Al-Balagh Foundation

بسم الله الرحمن الرحیم

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:Writer

Al- Balagh foundation

:Published in print

Al- Balagh foundation

:Digital Publisher

Ghaemiyeh center of computerized researches

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### BOOK ID

Compiler(s): Al-Balagh Foundation

Publisher(s): Al-Balagh Foundation

Category: General General

Topic Tags: Islamic Law Law Legislation Miscellaneous information:nbsp;Who is The ?Law Maker

Compiled and Published by Al-Balagh Foundation, P.O. Box ۱۹۷۷/۱۹۳۹۵ Thehran, Islamic .Republic of Iran. First Published in ۱۴۰۷ A.H./ ۱۹۸۶ A.D

.Distributed free of charge to seek Allahs pleasure

Featured Category: Introducing Islam

Appearance: ۴۸ p

Congress Classification: BP۲۳۰/۱/ق ۲۰۴۹۵۲ ۱۳۶۵

Dewey decimal classification: ۲۹۷ /۴۸۳۴

National bibliography number: م ۷۸-۶۸۶۳

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عنوان قراردادی : [قانونگزار کیست. انگلیسی]

عنوان و نام پدیدآور : Who is the law maker

مشخصات نشر : [Tehran]: Al -Balagh Foundation, ۱۳۶۵ = ۱۹۸۶.

مشخصات ظاهری : ص ۴۸

فروست : (Islamic concopt; ۴)

وضعیت فهرست نویسی : فهرستنویسی قبلی

یادداشت : انگلیسی - عربی

عنوان دیگر : Who is the law -maker?

عنوان دیگر : قانونگزار کیست. انگلیسی

آوانویسی عنوان : )هوایز د لو - میکر؟(

موضوع : اسلام و حقوق

شناسه افزوده : موسسه البلاغ Al -Balagh Foundafion

رده بندی کنگره : BP۲۳۰/۱/ق ۲۰۴۹۵۲ ۱۳۶۵

رده بندی دیویی : ۲۹۷ /۴۸۳۴

شماره کتابشناسی ملی : م ۷۸-۶۸۶۳

## point

This study aims to provide a clear vision and present in its true perspective the thought and position of the Muslim individual about the law and the law maker.

## Presentation

In the name of Allah, the Beneficent, the Merciful

"وَأَنَّ هَٰذَا صِرَاطِي مُسْتَقِيمًا فَاتَّبِعُوهُ ۖ وَلَا تَتَّبِعُوا السُّبُلَ فَتَفَرَّقَ بِكُمْ عَنْ سَبِيلِهِ ۚ ذَٰلِكُمْ وَصَّاكُمْ بِهِ لَعَلَّكُمْ تَتَّقُونَ"

And (know) that this is My path, the right one therefore follow it, and follow not [۶:۱۵۳] (other) ways, for they will lead you away from His way; this He has enjoined you with that you may guard (against evil).

Historically and sociologically speaking, the greatest problem faced by humanity has been that of law, order and discipline, but unfortunately mankind itself is the cause of these grieve problems.

The solution to these problems is further complicated by man's arrogance. For he regards himself a godhead, his will a law and his desires and whims a discipline and .order

How much mankind suffers from these problems while revolving with the wheel of loss and futile quest is proved by the absurd laws, man coins, legislates, invents and implements vainly, without being able to reach the avowed goal or to obtain any good .result

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In fact with these errors he increases humanity's already sky-high pile of errors and .adds his failures to the calamity of human sufferings

Thus it is evident that this straying and confused man will never get relief from a hard and cruel life, so long as he remains away from the course of his exalted Creator .Allah, and continues to disregard the Divine's Call and Message

:Allah, the Almighty has clearly mentioned in the holy Qur'an

"وَمَنْ أَعْرَضَ عَنْ ذِكْرِي فَإِنَّ لَهُ مَعِيشَةً ضَنْكًا وَنَحْشُرُهُ يَوْمَ الْقِيَامَةِ أَعْمَىٰ "

[۲۰:۱۲۴] And whoever turns away from My reminder, his shall be a straitened life, and .We will raise him on the day of resurrection, blind

"قَالَ رَبِّ لِمَ حَشَرْتَنِي أَعْمَىٰ وَقَدْ كُنْتُ بَصِيرًا "

[۲۰:۱۲۵] He shall say: My Lord! why hast Thou raised me blind and I was a seeing one ?indeed

"قَالَ كَذَٰلِكَ أَتَتْكَ آيَاتُنَا فَنَسِيتَهَا ۖ وَكَذَٰلِكَ الْيَوْمَ تُنْسَىٰ "

[ ۲۰:۱۲۶] He will say: Even so, Our communications came to you but you neglected .them; even thus shall you be forsaken this day

In this brief study we will try to throw light on certain aspects of law-making and

:explain some of its dimensions as follows

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.Stages of the existence of Law .۴

.An Evaluation of Islamic Law and Secular Law .۵

**A Definition of Law**

We hope that this study would provide a clear vision to humanity and present in its true perspective the thought and position of the Muslim individual, who unfortunately due to the distortions made by materialistic imperialism has started



begging and borrowing alien ideas, thoughts, principles and systems, in gross violation of truth discharged by reality, so beautifully explained by the glorious Qur'an. We sincerely hope Islam will enable mankind to return to Allah's straight path and His .Divine Laws, the clue to a peaceful life full of harmony, virtue and happiness

We earnestly invoke Allah the Merciful to help us enact His Laws and to follow His .course. Allah is the Hearer of our humble invocations

If we contemplate the world around us, ourselves, the nature of our society as well as the texture of relations and events in our environment, we realize that everything in this existence is running according to a perfectly balanced system and exact .calculation

The Universe with its worlds of life, thought, society... is by the nature of its existence, the way it moves and the correlations of its elements subject to universal facts, which organize its course, define its role and goal and keep it active and efficient. It is .motivated by the potent factor of Humanity

Through language and its use, the sounds and their pronunciations, the meditation and its ideas, the thought and the course of its movement, the will and the way it acts, the self and its behavior, and last but not the least, the instincts and their inclinations, response and expressions. All of these appear in the feelings of love and hatred that affect human conduct, relations and attitudes resulting in peace and happiness or crime and tension in the



.society, as well as progress or the decline of civilizations in the course of history

They also appear in the fluctuations of usages as well as of demand and supply. Besides preserving the inherited physical and biological characteristics and the balance in their appearance and disappearance, they can be perceived in dispersion .of the stars, atoms, heavenly bodies and cosmic clusters in their respective orbits

All these human or cosmic phenomena in this universe, go on and on, in this world of matter, life and thought. They promote such changes as, biogenic, birth and extinction join other elements, affect them or are influenced by them, as the case may be, in a .limited manner or in certain specific ways of execution

Such manners of execution, phenomena and the events including perfectly .'systematic forms of beings are called 'The Law

Thus it is quite obvious that the necessity of the Law is a universal fact, required by .every event, cause, phenomena and subject, be it natural or social

So under this universal and inevitable rule, man's activities, behavior and social relations should he formulated within a legal frame in accordance with a specific manner that would preserve his life, accomplish his humanistic objectives, show the .nature of his constitution and plan the course of progress and relationship

When these human relations in the fields of society, politics, economy etc., are systematized in the set of defined rules, we call them laws, canons or regulations of Allah'; all of which come within the scope of religion and constitute

a part of it. Since the scope of religion is much wider than just to organize man's external social relations. Actually, religion organizes man's inner self too and morally .builds it

Every Islamic rule is a law, and we contend this definition to the concept of law in the social arena, as the current technical terms go. The Islamic Laws or Canons are known in Arabic as Shariah, care of belief, devotional rites, and the individual's personal activities, such as how to keep clean, to eat, to drink, to wear clothes, to .think, etc

:Therefore, the law could be defined as

The principle which organizes human relations among individuals and groups. This" covers all aspects of human life such as social, political, commercial, administrative, ".financial, family, inheritance work, laud transactions...etc

It is thus, obvious that the objective of the existence of the Divine Law is, to subject every manifest, human activity and relation to a balanced and calculated frame of organization and discipline. In Islam, existence is not a confusion, absurdity or loss, as :is evident by the following verses of the Qur'an

"أَفَحَسِبْتُمْ أَنَّمَا خَلَقْنَاكُمْ عَبَثًا وَأَنَّكُمْ إِلَيْنَا لَا تُرْجَعُونَ "

What! did you then think that We had created you in vain and that you shall not [۲۳:۱۱۵] ".be returned to Us? "He has created everything and has ordained for it a measure

"الَّذِی لَهُ مُلْکُ السَّمَاوَاتِ وَالْأَرْضِ وَلَمْ یَتَّخِذْ وَلَدًا وَلَمْ یَکُنْ لَهُ شَرِیکٌ فِی الْمُلْکِ وَخَلَقَ کُلَّ شَیْءٍ فَقَدَّرَهُ تَقْدِیرًا"

He, Whose is the kingdom of the heavens and the earth, and Who did [۲۵:۲]



not take to Himself a son, and Who has no associate in the kingdom, and Who created .everything, then ordained for it a measure

“اللَّهُ يَعْلَمُ مَا تَحْمِلُ كُلُّ أُنْثَىٰ وَمَا تَغِيضُ الْأَرْحَامُ وَمَا تَزْدَادُ ۖ وَكُلُّ شَيْءٍ عِنْدَهُ بِمِقْدَارٍ “

Allah knows what every female bears, and that of which the wombs fall short of [۱۳:۸] completion and that in which they increase; and there is a measure with Him of .everything

“وَأَنْزَلْنَا إِلَيْكَ الْكِتَابَ بِالْحَقِّ مُصَدِّقًا لِمَا بَيْنَ يَدَيْهِ مِنَ الْكِتَابِ وَمُهَيْمِنًا عَلَيْهِ ۖ فَاحْكُمْ بَيْنَهُمْ بِمَا أَنْزَلَ اللَّهُ ۖ وَلَا تَتَّبِعْ أَهْوَاءَهُمْ عَمَّا جَاءَكَ مِنَ الْحَقِّ ۚ لِكُلٍّ جَعَلْنَا مِنْكُمْ شِرْعَةً وَمِنْهَاجًا ۚ وَلَوْ شَاءَ اللَّهُ لَجَعَلَكُمْ أُمَّةً وَاحِدَةً وَلَٰكِنْ لِيَبْلُوَكُمْ فِي مَا آتَاكُمْ ۖ فَاسْتَبِقُوا الْخَيْرَاتِ ۚ إِلَى اللَّهِ مَرْجِعُكُمْ جَمِيعًا فَيُنَبِّئُكُمْ بِمَا كُنْتُمْ فِيهِ تَخْتَلِفُونَ “

And We have revealed to you the Book with the truth, verifying what is before it [۵:۴۸] of the Book and a guardian over it, therefore judge between them by what Allah has revealed, and do not follow their low desires (to turn away) from the truth that has come to you; for every one of you did We appoint a law and a way, and if Allah had pleased He would have made you (all) a single people, but that He might try you in what He gave you, therefore strive with one another to hasten to virtuous deeds; to ;Allah is your return, of all (of you), so He will let you know that in which you differed

### A Definition of Law Maker

“مَا تَعْبُدُونَ مِنْ دُونِهِ إِلَّا أَسْمَاءً



سَمَّيْتُمُوهَا أَنْتُمْ وَآبَاؤُكُمْ مَا أَنْزَلَ اللَّهُ بِهَا مِنْ سُلْطَانٍ ۚ إِنِ الْحُكْمُ إِلَّا لِلَّهِ ۚ أَمَرَ أَلَّا تَعْبُدُوا إِلَّا إِيَّاهُ ۚ ذَٰلِكَ الدِّينُ الْقَيِّمُ وَلَٰكِنَّ أَكْثَرَ النَّاسِ لَا يَعْلَمُونَ “

You do not serve besides Him but names which you have named, you and your [۱۲:۴۰] fathers; Allah has not sent down any authority for them; judgment is only Allah's; He has commanded that you shall not serve aught but Him; this is the right religion but :most people do not know

“إِنَّ رَبَّكُمُ اللَّهُ الَّذِي خَلَقَ السَّمَاوَاتِ وَالْأَرْضَ فِي سِتَّةِ أَيَّامٍ ثُمَّ اسْتَوَىٰ عَلَى الْعَرْشِ يُغْشِي اللَّيْلَ النَّهَارَ يَطْلُبُهُ حَثِيثًا وَالشَّمْسَ وَالْقَمَرَ وَالنُّجُومَ مُسَخَّرَاتٍ بِأَمْرِهِ ۗ أَلَا لَهُ الْخَلْقُ وَالْأَمْرُ ۗ تَبَارَكَ اللَّهُ رَبُّ الْعَالَمِينَ “

Surely your Lord is Allah, Who created the heavens and the earth in six periods [۷:۵۴]

of time, and He is firm in power; He throws the veil of night over the day, which it pursues incessantly; and (He created) the sun and the moon and the stars, made subservient by His command; surely His is the creation and the command; blessed is .Allah, the Lord of the worlds

If we contemplate and scrutinize the phenomena of this world, uncovering the secrets and depths of existence and examine the order governing beings, nature and society, we discover the natural connection between laws and ethics as well as the organization of relations between the individual and society on one hand, and the general and natural genesis that organizes nature and life on the other. Man thus, is seen as a universal being



.who needs like other natural parts of the universe, to be organized

This unified look makes us realize that there is a common universal law to which man .and other parts of the existence are subjects

This conscious and reflective look helps us to discover another important fact, that .man and other beings of nature have a single common initiator, direction and goal

Allah is the Initiator Who created the whole universe, the Director Who guides and organizes the creatures, and the Great Goal to which man and the universe are heading in their both compulsory and optional progress towards perfection, which is to be carried on according to every being's degree of existence and potentiality of .perfection

Through this unified thinking and analysis we realize that the whole universe, including mankind, is in need of a balanced law and order system, so as to organize man's life on natural and universal principles. These rules should be in harmony with his disposition, nborn characteristics and the elements of his existence and activities, .as man is an important member of the greater organization of the universal family

This conclusion leads us to believe that the One Who created the universe and life,

and based existence on perfection, beauty, order and accuracy of the highest exactitude would not leave man, a key member of the large universal family of existence, exempted from the progress of this general order of the universe. He would not let him deviate from the greatest goal of existence, the goal of attaining



perfection, pronouncing servitude to Allah, and proclaiming the truth of His Existence .and Oneness

Therefore, man should get a clear vision of the Divine Law which organizes his life in accordance with human nature and disposition, through a suitable program and a .perfect course and order

As man was the only being that had the free will to choose, and to express his aims through conscious selection and voluntary dealings, Allah the Exalted, sent Messengers, bearing His Laws to show man the all-embracing course and order that guides him to the final goal of existence, complete submission and servitude to Allah alone. This goal can only be accomplished by sincerely following the path of the Wise Creator that is by adhering to His message brought by the strenuous efforts of His .Messengers and Prophets

By going through the Qur'anic verses, we get the gist of this idea, the idea of man's need to be governed by a natural order. This is obvious in the call of the Qur'an and in :its address to man, as is shown in this verse

"إِنَّ رَبَّكُمُ اللَّهُ الَّذِى خَلَقَ السَّمَاوَاتِ وَالْأَرْضَ فِى سِتَّةِ أَيَّام ثُمَّ اسْتَوَىٰ عَلَى الْعَرْشِ يُغْشِى اللَّيْلَ النَّهَارَ يَطْلُبُهُ حَثِيثًا وَالشَّمْسَ وَالْقَمَرَ وَالنُّجُومَ مُسَخَّرَاتٍ بِأَمْرِهِ ۗ أَلَا لَهُ الْخَلْقُ وَالْأَمْرُ ۗ تَبَارَكَ اللَّهُ رَبُّ الْعَالَمِينَ "

Surely your Lord is Allah, Who created the heavens and the earth in six periods [٧:٥۴] of time, and He is firm in power; He throws the veil of night over the day, which it pursues incessantly; and (He created) the sun

and the moon and the stars, made subservient by His command; surely His is the .creation and the command; blessed is Allah, the Lord of the worlds

In this verse the Qur'an explicitly reminds us of the Divine Commandment over the entire existence, as well as the general organization of the universe, thus placing man within the frame of an orderly and coordinated existence and disclosing the common bond between Creation and Commandment(١), thereby fixing the principle of His supreme Lordship alone (which is sovereignty, management and guidance). This clearly confirms that it is not possible to separate Creation from Commandment (Genesis from Legislation). It is virtually impossible for man to be isolated from the order of life chosen for him by his Creator, as it will upset the balance and cause him .to deviate and his life to decline and decay

:The Qur'an refers to this - Genesis - Legislation' relationship in an explicit expression

..."أَلَا لَهُ الْخَلْقُ وَالْأَمْرُ تَبَارَكَ اللَّهُ رَبُّ الْعَالَمِينَ "

surely His is the creation and the command; blessed is Allah, the Lord of the... [٠٧:٥۴] .worlds

"مَا تَعْبُدُونَ مِنْ دُونِهِ إِلَّا أَسْمَاءً سَمَّيْتُمُوهَا أَنْتُمْ وَآبَاؤُكُمْ مَا أَنْزَلَ اللَّهُ بِهَا مِنْ سُلْطَانٍ إِنِ الْحُكْمُ إِلَّا لِلَّهِ أَمَرَ أَلَّا تَعْبُدُوا إِلَّا إِيَّاهُ ذَٰلِكَ الدِّينُ الْقَيِّمُ وَلَٰكِنَّ أَكْثَرَ النَّاسِ لَا يَعْلَمُونَ "

You do not serve besides Him but names which you have named, you and your [١٢:۴٠] fathers; Allah has not sent down any authority for them; judgment is only Allah's; He has commanded that you shall not serve aught but



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Creation means to bring into existence what did not exist before. "Commandment - ١ .means: guiding, organizing and directing

:Him; this is the right religion but most people do not know

So, by bringing us to this conclusion, the Qur'an emphasizes the essence of the

natural connection between Genesis and Legislation. We thus discover the important fact, of faith and thought', that is the One Who creates the beings, initiates their existence, assigns their goal and plans their constitution, Himself remains the real Director, designing for His creatures, the road of progress and the order of .movement

Several verses of the glorious Qur'an give prominence to this clear truth and enable us to perceive that the principle of ruling and command, or law-making and Organizing, is not the responsibility of any one of the creatures. It is a matter wholly .related to the Creator's Will and Wisdom

This is because Organizing and Legislating is a form of relationship between the Creator and His creatures. This relationship is practically a beautiful bond expressing .servitude, or a state of complete subjugation between man and his Lord

So, any other party trying to organize human life and coining rules and laws to arrange the different individual and social activities, would mean sharing the power of .legislation with Allah, the Almighty

Attributing this authority (of legislation) to other than Allah would be a form of worship, submission and surrender to other than Allah(١). That is why the glorious Qur'an draws our attention towards this grave conclusion and firmly rebukes man .from committing this error

"إِنِ الْحُكْمُ إِلَّا لِلَّهِ ۚ أَمَرَ أَلَّا تَعْبُدُوا إِلَّا إِيَّاهُ ۚ"

judgment is only Allah's; He... [١٢:۴٠]



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١ - To submit to Allah's legislation does not mean the cancellation of man's will. It actually means to have man's life and course planned and systematized, and at the same time, to enable his human will to choose and differentiate between vices and .virtues

...has commanded that you shall not serve aught but Him

The Qur'an accuses the Jews and the Christians who neglected Allah's Laws and Just system, and submitted to the desires of the rabbis and the priests, who coined their own laws and rules contrary to the Divine Command. The Qur'an refers to them as :follows

"اتَّخَذُوا أَحْبَارَهُمْ وَرُهْبَانَهُمْ أَرْبَابًا مِنْ دُونِ اللَّهِ وَالْمَسِيحَ ابْنَ مَرْيَمَ وَمَا أُمِرُوا إِلَّا لِيَعْبُدُوا إِلَٰهًا وَاحِدًا ۖ لَا إِلَٰهَ إِلَّا هُوَ ۚ سُبْحَانَهُ عَمَّا يُشْرِكُونَ "

They have taken their doctors of law and their monks for lords besides Allah, [۹:۳۱ ] and (also) the Messiah son of Marium and they were enjoined that they should serve one Allah only, there is no god but He; far from His glory be what they set up (with .(Him

Interpreting the lordship of the rabbis and monks as stated in the above verse, the Imams (AS) have said, that worship, here means the blind obedience of the Jews and Christians to the wills and desires of their leaders, who cleverly twisted the Divine .Laws, to suit their own selfish interests

:Imam Ja'far Al-Sadiq (AS) about the meaning of the above verse, said

By Allah, they did not ask to be worshipped. If they had asked them to do so, they" would not have obeyed them but they (Rabbis and Monks) sanctioned the unlawful as lawful, and the lawful as unlawful, and thus they (the people), without perceiving, ".blindly (obeyed) worshipped them

The above is the actual meaning of the verses of the holy Qur'an, which clearly denounces

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the authority of law-making by any other than Allah. This deviation is disbelief, abomination, injustice and ignorance. Those who legislate and make abnormal laws, distorting Divine Justice and Allah's Will, are called tyrants and idol worshippers as the

:Qur'anic texts say

“وَلْيَحْكُمْ أَهْلُ الْإِنْجِيلِ بِمَا أَنْزَلَ اللَّهُ فِيهِ ۚ وَمَنْ لَمْ يَحْكُمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَٰئِكَ هُمُ الْفَاسِقُونَ “

And the followers of the Injeel should have judged by what Allah revealed in it; [۵:۴۷] and whoever did not judge by what Allah revealed, those are they that are the .transgressors

“وَكَتَبْنَا عَلَيْهِمْ فِيهَا أَنَّ النَّفْسَ بِالنَّفْسِ وَالْعَيْنَ بِالْعَيْنِ وَالْأَنْفَ بِالْأَنْفِ وَالْأُذُنَ بِالْأُذُنِ وَالسِّنَّ بِالسِّنِّ وَالْجُرُوحَ قِصَاصٌ ۚ فَمَنْ تَصَدَّقَ بِهِ فَهُوَ كَفَّارَةٌ لَهُ ۚ وَمَنْ لَمْ يَحْكُمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَٰئِكَ هُمُ الظَّالِمُونَ “

And We prescribed to them in it that life is for life, and eye for eye, and nose for [۵:۴۵] nose, and ear for ear, and tooth for tooth, and (that there is) reprisal in wounds; but he who foregoes it, it shall be an expiation for him; and whoever did not judge by .what Allah revealed, those are they that are the unjust

“إِنَّا أَنْزَلْنَا التَّوْرَاةَ فِيهَا هُدًى وَنُورٌ ۚ يَحْكُمُ بِهَا النَّبِيُّونَ الَّذِينَ أَسْلَمُوا لِلَّذِينَ هَادُوا وَالرَّبَّانِيُّونَ وَالْأَحْبَارُ بِمَا اسْتُحْفِظُوا مِنْ كِتَابِ اللَّهِ وَكَانُوا عَلَيْهِ شُهَدَاءَ ۚ فَلَا تَخْشَوُا النَّاسَ وَاخْشَوْنِ وَلَا تَشْتَرُوا بِآيَاتِي ثَمَنًا قَلِيلًا ۚ وَمَنْ لَمْ يَحْكُمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَٰئِكَ هُمُ الْكَافِرُونَ “

Surely We revealed the Taurat in which was guidance and light; with it the [ ۵:۴۴] prophets who submitted themselves (to Allah) judged (matters) for those who were ,Jews

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and the masters of Divine knowledge and the doctors, because they were required to guard (part) of the Book of Allah, and they were witnesses thereof; therefore fear not the people and fear Me, and do not take a small price for My communications; and whoever did not judge by what Allah revealed, those are they that are the .unbelievers

“أَفَحُكْمَ الْجَاهِلِيَّةِ يَبْغُونَ ۚ وَمَنْ أَحْسَنُ مِنَ اللَّهِ حُكْمًا لِقَوْمٍ يُوقِنُونَ “

Is it then the judgment of (the times of) ignorance that they desire? And who is [۵:۵۰] ?better than Allah to judge for a people who are sure

“أَلَمْ تَرَ إِلَى الَّذِينَ يَزْعُمُونَ أَنَّهُمْ آمَنُوا بِمَا أُنْزِلَ إِلَيْكَ وَمَا أُنْزِلَ مِنْ قَبْلِكَ يُرِيدُونَ أَنْ يَتَحَاكَمُوا إِلَى الطَّاغُوتِ وَقَدْ أُمِرُوا أَنْ يَكْفُرُوا بِهِ وَيُرِيدُ الشَّيْطَانُ أَنْ يُضِلَّهُمْ ضَلَالًا بَعِيدًا “

Have you not seen those who assert that they believe in what has been revealed [۴:۶۰] to you and what was revealed before you? They desire to summon one another to the judgment of the Shaitan, though they were commanded to deny him, and the Shaitan .desires to lead them astray into a remote error

Through the above verses of the holy Qur'an we realize that judgment means both legislation and law-making. Thus, the people`s adherence to the laws and the enacting of them, should not be against Allah's will and command and should be .regarded as an aspect of worship, and humanity should submit to Him alone

### Islam: The Universal Legislation for Mankind

From our aforementioned general and all-embracing look at the beings, including man, the following important facts of this vast



:universe and life can be inferred

- .Unity of Origin- Allah, the Exalted
- .Unity of Creation- comprising numerous parts
- .Unity of Order- governing the Universe
- .Unity of Goal- direction towards Allah

Through this vision of unity and oneness, we come to realize the necessity of man's submission and connection to this principle, the principle of the unity of Origin, Creation, Order and Goal. Man has but to enter the circle embracing the whole existence, and he will be in harmony with the Divine Religion which forms the Order and the Goal in the shape of laws which take into consideration all his existence and :diverse activities

“ثُمَّ جَعَلْنَاکَ عَلَیٰ شَرِیعَهٍ مِنَ الْأَمْرِ فَاتَّبِعْهَا وَلَا تَتَّبِعْ أَهْوَاءَ الَّذِینَ لَا یَعْلَمُونَ “

Then We have made you follow a course in the affair, therefore follow it, and do [۴۵:۱۸] .not follow the low desires of those who do not know

While discussing universal unity and the need for a natural canon for man to govern his activities, organize his relations and give shape to his personal contents in behavior and action, we should make distinction between a voluntary adherence to .that canon, and a compulsory and material submission to it

Man is completely free, and has full power but in order to organize his social life he has to submit to this universal canon based on the nature of his existence. By accepting and following this Divine Order, man would be expressing his contents and the possibilities, activities, innovations, perfection and other symptoms of animation in ways adapted to his

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.own free will

In other words, man can formulate his activities, by voluntary practice of this sound legislative plan and undertake an orderly construction of the framework of his life by .charting its welfare and high objectives, among other things in the world

This legislative plan should be a canon which coincides, in its principles and goals, with man's inborn nature, feelings and needs, encompassing and organizing them all and .providing him with prosperity and happiness

The Islamic canon is thus a legislative molding of the laws of life and human nature. It :consequently becomes

“فَأَقِمْ وَجْهَکَ لِلدِّینِ حَنِیفًا ۚ فِطْرَتَ اللَّهِ الَّتِی فَطَرَ النَّاسَ عَلَیْهَا ۚ لَا تَبْدِیلَ لِخَلْقِ اللَّهِ ۚ ذَٰلِکَ الدِّینُ الْقَیِّمُ وَلَٰکِنَّ أَکْثَرَ النَّاسِ لَا یَعْلَمُونَ “

Then set your face upright for religion in the right state-- the nature made by [۳۰:۳۰] Allah in which He has made men; there is no altering of Allah's creation; that is the

—right religion, but most people do not know

“شَرَعَ لَكُمْ مِنَ الدِّينِ مَا وَصَّىٰ بِهِ نُوحًا وَالَّذِي أَوْحَيْنَا إِلَيْكَ وَمَا وَصَّيْنَا بِهِ إِبْرَاهِيمَ وَمُوسَىٰ وَعِيسَىٰ ۖ أَنْ أَقِيمُوا الدِّينَ وَلَا تَتَفَرَّقُوا فِيهِ ۚ كَبُرَ عَلَى الْمُشْرِكِينَ مَا تَدْعُوهُمْ إِلَيْهِ ۚ اللَّهُ يَجْتَبِي إِلَيْهِ مَنْ يَشَاءُ وَيَهْدِي إِلَيْهِ مَنْ يُنِيبُ“

He has made plain to you of the religion what He enjoined upon Nuh and that [۴۲:۱۳] which We have revealed to you and that which We enjoined upon Ibrahim and Musa and Isa that keep to obedience and be not divided therein; hard to the unbelievers is that which you call them to; Allah chooses for



.Himself whom He pleases, and guides to Himself him who turns (to Him), frequently

“وَأَنَّ هَٰذَا صِرَاطِي مُسْتَقِيمًا فَاتَّبِعُوهُ ۖ وَلَا تَتَّبِعُوا السُّبُلَ فَتَفَرَّقَ بِكُمْ عَنْ سَبِيلِهِ ۚ ذَٰلِكُمْ وَصَّاكُمْ بِهِ لَعَلَّكُمْ تَتَّقُونَ“

And (know) that this is My path, the right one therefore follow it, and follow not [۶:۱۵۳] (other) ways, for they will lead you away from His way; this He has enjoined you with .(that you may guard (against evil

## Stages of the Existence of Law

### point

The proof that Islam is the answer for mankind's universal legislation, and that it is the formula uncovering the law of human nature, is based on the facts that there are in this human existence certain rules and regulations which govern and mold it, .without which there would be nothing, except chaos, confusion, futility and corruption

If we trace the stages of the appearance of law and its role in human life we realize that like other natural laws it appears in three existing forms in this world, which are :as follows

.The Objective Form .۱

.The Scientific Form .۲

.The Process of Formulating Laws .۳

**The Objective Form**

Human laws have an objective form that governs the mental, psychological and material being of man. It is a self- subsistent form, as are the natural material rules which govern the order of the world of matter in their reality, independence, correlation, arrangement of their results and efforts, etc. For example, thinking has certain rules which it follows and has its own laws, rules and goals which control its movements. Likewise the whole human body composed of



.diverse parts, has its own laws, rules, goals and needs, which control its activities

Similar are the social, economic and political relations which are also subject to their .relevant rules and laws which affect their results

**The Scientific Form**

This is the rational stage of the laws and facts which control human life. During this stage science discovers these laws and derives from them their subjects, as we derive grammatical, physical and astronomical rules from these very subjects and .applications

**The Process of Formulating Laws**

This is the process of the verbal construction and expressing the meanings of the laws and their aims in words easily understood by man, so that he may accordingly .plan his life and organize his individual and social conducts and activities

Thus these three stages of legislation in their true forms are possible only for the Creator of the existence. Since He is the Creator of man as well as the laws and regulations and is fully aware of every detail about their facts and truthfully expresses them. Unlike a human being whose knowledge and ability is limited in discovering and defining the natural laws of life. Furthermore, man cannot be regarded sincere and

objective in his dealing with the laws. He falsifies them to suit his own selfish interests, or in the interests of other groups as the case may be, and thus he does not define .legality in its scientific and objective forms

There are numerous examples proving this human frailty. For instance when man discovered the harms of alcoholic drinks, adultery, usury trade monopolies and

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the like, he prohibited none of them in utter disregard to the proven scientific facts. On .the contrary, he resorted to sophisticated means to conceal the actual truth

Therefore, leaving the task of judgment and legislation to Allah alone is the only way of saving man from doom beau. Allah the Creator is the only One Who knows all the :hidden secrets of mankind and life

"أَلَا يَعْلَمُ مَنْ خَلَقَ وَهُوَ اللَّطِيفُ الْخَبِيرُ "

Does He not know, Who created? And He is the Knower of the subtleties, the [۶۷:۱۴] .Aware

Allah alone is able to communicate what He wants to by means of the best possible way understandable to mankind. The way of the prophets and the divine revelation to them, disclosed in explicit verbal forms that are clear in meaning and implication. This was actually what had been preached throughout the course of history by all the :Divine Laws and Messages

"وَمَا أَرْسَلْنَا مِنْ رَسُولٍ إِلَّا بِلِسَانِ قَوْمِهِ لِيُبَيِّنَ لَهُمْ ۖ فَيُضِلُّ اللَّهُ مَنْ يَشَاءُ وَيَهْدِي مَنْ يَشَاءُ ۚ وَهُوَ الْعَزِيزُ الْحَكِيمُ "

And We did not send any messenger but with the language of his people, so that [۱۴:۴] he might explain to them clearly; then Allah makes whom He pleases err and He .guides whom He pleases and He is the Mighty, the Wise

"الر ۚ كِتَابٌ أَنْزَلْنَاهُ إِلَيْكَ لِتُخْرِجَ النَّاسَ مِنَ الظُّلُمَاتِ إِلَى النُّورِ بِإِذْنِ رَبِّهِمْ إِلَىٰ صِرَاطِ الْعَزِيزِ الْحَمِيدِ "

Alif Lam Ra. (This is) a Book which We have revealed to you that you may bring [۱۴:۱]

forth men, by their Lord's permission

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,from utter darkness into light-- to the way of the Mighty, the Praised One

“إِنَّ هَٰذَا الْقُرْآنَ يَهْدِی لِلَّتِی هِیَ أَقْوَمُ وَيُبَشِّرُ الْمُؤْمِنِينَ الَّذِينَ يَعْمَلُونَ الصَّالِحَاتِ أَنَّ لَهُمْ أَجْرًا كَبِيرًا “

[۱۷:۹] Surely this Quran guides to that which is most upright and gives good news to .the believers who do good that they shall have a great reward

:Imam Ja’far Al-Sadiq (AS) drawing our attention to these facts has rightly remarked

The Qur'an is a covenant of Allah to His creatures. A Muslim will have to look into His" (covenant, and read from it fifty verses (at least) a day.” (۱)

From this starting point, the Qur'an draws a picture of the nature of the Divine Law revealed through the Prophets, showing that it is the existential fact coinciding with the nature of the human -being. It also discloses to us the gross unfitness of other laws, rules or regulations (man-made), which vainly try to define life and its order, contrary to the nature of man and life, or in other words these laws are not applicable unless life and nature itself is changed. Thus we can safely conclude that this religion is the Divine decision that suits the nature and innate disposition of man as well as its :multi-sided construction, as Allah, the Exalted, says

“وَذَٰلِكُمْ ظَنُّكُمُ الَّذِی ظَنَنْتُمْ بِرَبِّكُمْ أَرْدَاكُمْ فَأَصْبَحْتُمْ مِنَ الْخَاسِرِينَ “

[۴۱:۲۳] And that was your (evil) thought which you entertained about your Lord that has .tumbled you down into perdition, so are you become of the lost ones

“وَاتْلُ مَا أُوحِیَ إِلَيْكَ مِنْ كِتَابِ رَبِّكَ

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۱- Al-Bavan fi Tafseer Al-Qur'an, page ۴

لَا مُبَدِّلَ لِكَلِمَاتِهِ وَلَنْ تَجِدَ مِنْ دُونِهِ مُلْتَحَدًا “

And recite what has been revealed to you of the Book of your Lord, there is [١٨:٢٧] .none who can alter His words; and you shall not find any refuge besides Him

"وَتَمَّتْ كَلِمَتُ رَبِّكَ صِدْقًا وَعَدْلًا ۚ لَا مُبَدِّلَ لِكَلِمَاتِهِ ۚ وَهُوَ السَّمِيعُ الْعَلِيمُ "

And the word of your Lord has been accomplished truly and justly; there is none [۶:١١۵] .who can change His words, and He is the Hearing, the Knowing

"أَمْ تُرِيدُونَ أَنْ تَسْأَلُوا رَسُولَكُمْ كَمَا سُئِلَ مُوسَىٰ مِنْ قَبْلُ ۗ وَمَنْ يَتَبَدَّلِ الْكُفْرَ بِالْإِيمَانِ فَقَدْ ضَلَّ سَوَاءَ السَّبِيلِ "

Rather you wish to put questions to your Messenger, as Musa was questioned [٢:١٠٨] before; and whoever adopts unbelief instead of faith, he indeed has lost the right .direction of the way

"وَلَوِ اتَّبَعَ الْحَقُّ أَهْوَاءَهُمْ لَفَسَدَتِ السَّمَاوَاتُ وَالْأَرْضُ وَمَنْ فِيهِنَّ ۚ بَلْ أَتَيْنَاهُمْ بِذِكْرِهِمْ فَهُمْ عَنْ ذِكْرِهِمْ مُعْرِضُونَ "

And should the truth follow their low desires, surely the heavens and the earth [٢٣:٧١] and all those who are therein would have perished. Nay! We have brought to them .their reminder, but from their reminder they turn aside

The above - mentioned verses of the Qur'an help mankind to perceive the truth, by clearing the mist of blindness from the eyes, and pushing aside from the intellect any doubts of illusion and ignorance, which would have misled man to imagine that he is able to devise laws and canons according to his wishes and desires. It makes him realize that an off-hand and extempore law however minutely designed cannot



solve his problems nor organize his diverse activities and individual and social .relations, in harmony with his natural existence

This is because Secular Laws are not based on rational foundations, nor have they a .truthful reality behind them, except man's imaginations and illusions

For example, if we ask the Secular Legislator: Why do you impose a fine or a year's

imprisonment for a certain crime? Is this penalty based on the basis of a strict balance and calculation such as that the punishment imposed, is actual to crime, according to the legislative equation? Did you study its graveness and its effect on the social reality or its psychological reaction acting as a restraint, and is a just decision keeping the balance among the parties concerned? On what grounds did you build your decision, ?conclusion and penalty for this particular crime

Should we put such questions to him? lie would not be able to give us scientifically satisfactory answers, and we would come to realize that lie talks nothing but nonsense, makes laws without a true Justice or reasonable argument, completely unaware that by doing so, lie is generating an artificial being in the system of life .contrary to the logic of justice and contradicting the very principles of existence

Such misfit laws, cause negative effects on humanity and upset the universal balance of truthfulness and justice on whose very basis every truth in this world has been .erected

“شَهِدَ اللَّهُ أَنَّهُ لَا إِلَٰهَ إِلَّا هُوَ وَالْمَلَائِكَةُ وَأُولُو الْعِلْمِ قَائِمًا بِالْقِسْطِ ۚ لَا إِلَٰهَ إِلَّا هُوَ

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الْعَزِيزُ الْحَكِيمُ “

Allah bears witness that there is no god but He, and (so do) the angels and those [۳:۱۸] possessed of knowledge, maintaining His creation with justice; there is no god but He, .the Mighty, the Wise

“وَإِنْ تُطِعْ أَكْثَرَ مَنْ فِي الْأَرْضِ يُضِلُّوكَ عَنْ سَبِيلِ اللَّهِ ۚ إِنْ يَتَّبِعُونَ إِلَّا الظَّنَّ وَإِنْ هُمْ إِلَّا يَخْرُصُونَ “

And if you obey most of those in the earth, they will lead you astray from Allah's [۶:۱۱۶] .way; they follow but conjecture and they only lie

**A Comparison between Islamic and Secular Law**

**point**

It was not novelty in human life or the desire to establish justice or order that prompted man to make laws and rules and coin ways of living and organizing, because these were already in existence. The real cause was man's own selfish interest and the desire to enslave his fellow- beings that made him to turn away from Allah's Law, or to have any consideration for it.

Ever since the dawn of history, the tyrants and oppressors have ceaselessly tried to rebel against the will of truth and justice in this world, regarding themselves as gods or god-heads to be worshipped, and their idols to be sanctified in the altar of despotism and tyranny.

Tracing the history of the origin of the laws which govern the life of society in its controlling positivity, we find that they all speak of the will of the ruler and express only his aims and interests in life. They are far from being in the people`s real interests, and the principles of right and justice.



This is because the Secular Laws in their reality express nothing, but the desire to enslave mankind, to serve the will of the oppressor and subdue humanity to the whims of the deviated rulers who either intentionally or unintentionally consider themselves as powerful gods or god-heads. Actually the desires of the rulers which have been coined as laws and rules thus tightening the grip on the people and their lives.

Whereas, on the other hand, it was the contrary in respect to the role of the Islamic Legislation, which sought to establish truth and justice, and to liberate man from oppression, be kind to him, and protect his interests in life, as is evident from the following verse of the glorious Qur'an;

“الَّذِينَ يَتَّبِعُونَ الرَّسُولَ النَّبِيَّ الْأُمِّيَّ الَّذِى يَجِدُونَهُ مَكْتُوبًا عِنْدَهُمْ فِى التَّوْرَاةِ وَالْإِنْجِيلِ يَأْمُرُهُمْ بِالْمَعْرُوفِ وَيَنْهَاهُمْ عَنِ الْمُنْكَرِ وَيُحِلُّ لَهُمُ الطَّيِّبَاتِ وَيُحَرِّمُ عَلَيْهِمُ الْخَبَائِثَ وَيَضَعُ عَنْهُمْ إِصْرَهُمْ وَالْأَغْلَالَ الَّتِى كَانَتْ عَلَيْهِمْ ۚ فَالَّذِينَ آمَنُوا بِهِ وَعَزَّرُوهُ وَنَصَرُوهُ وَاتَّبَعُوا النُّورَ الَّذِى أُنْزِلَ مَعَهُ ۙ أُولَئِكَ هُمُ الْمُفْلِحُونَ “

Those who follow the Messenger-Prophet, the Ummi, whom they find written [۷:۱۵۷] down with them in the Taurat and the Injeel (who) enjoins them good and forbids them evil, and makes lawful to them the good things and makes unlawful to them impure things, and removes from them their burden and the shackles which were upon them; so (as for) those who believe in him and honor him and help him, and follow the light which has been sent down with him, these it is that are



.the successful

“وَمَا أَرْسَلْنَاكَ إِلَّا رَحْمَةً لِلْعَالَمِينَ ”

.And We have not sent you but as a mercy to the worlds [۲۱:۱۰۷]

By studying these two verses one may easily recognize that the aims and goals of Islam defined by the Qur'an are: liberation of man, delivering him from darkness into .the light, and guiding him towards the horizons of truth and happiness

If we try a fair, conscious and rational assessment of the Islamic Laws and the Secular Laws in their diverse forms and philosophies, such as Capitalism, Socialism, Communism and the like, which are offshoots of ignorant thinking, we realize the most important differences which distinguish Islamic or Divine Laws from Secular or man-made Laws, and which define their respective identities and features are as :follows

۱. Criterion of truth and justice.

۲. Objectivity.

۳. Clarity of Vision.

۴. The Ethics of the Islamic Law.

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## Criterion of truth and justice

The Islamic Canon is based on the criterion of Truth and Justice, the two constant .۱ values of life by which legislation and law-making are judged, and on whose basis their natures, values, effects, goals and coincidence with the great objective of .existence, are estimated

These two concepts are the foundation on which the entire Islamic Legislation is based. There is not a single law which is not backed by these two principles, as are the .other facts of the universe

By getting to know the meaning of Truth and Justice from the Islamic point of view, we are apt to discover the secret of their being the



-:bases on which the Islamic laws are built

a. When a thing is true, it deserves a legitimate place in the life of society, as falsehood has neither place nor originality in Islam and is regarded as transient, unstable, an unjustified futility, and a worthless nothingness. Actually, falsehood is the inconsistent and negative course practiced by man against the idea of Truth. For this reason the Qur'an rejects it as passing and vanishing, unable to occupy the place of :truth or remain constant in the world of reality

"لَا تَرْكُضُوا وَارْجِعُوا إِلَىٰ مَا أُتْرِفْتُمْ فِيهِ وَمَسَاكِنِكُمْ لَعَلَّكُمْ تُسْأَلُونَ "

Do not fly (now) and come back to what you were made to lead easy lives in and [۲۱:۱۳] .to your dwellings, haply you will be questioned

"وَقُلْ جَاءَ الْحَقُّ وَزَهَقَ الْبَاطِلُ ۚ إِنَّ الْبَاطِلَ كَانَ زَهُوقًا "

And say: The truth has come and the falsehood has vanished; surely falsehood [۱۷:۸۱] .(is a vanishing (thing

Who is best suited to judge other than the Creator of the world and all beings whose knowledge encompasses everything, whether a thing be it a canon or a subject has .the merit of coming into existence and occupying a space however small in this world

Consequently, the Secular Law knowing no 'Truthful' or natural base proves to be false, transient, haphazard, accepting no noble values, irrationally formed, admitting no estimation, having no constancy, futile, and showing no justification for existence, .except the will and desire of its maker

So, the human legislator knows nothing about the status, value and effects of the law he is asked

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.to legislate, as far as the facts and the objectives of existence are concerned

Therefore, the glorious Qur'an describes this procedure on the part of man as confusion, going astray, ignorance and forgery, and condemns this act of the ignorant .man who undertakes the responsibility of law-making

"وَلَا تَلْبِسُوا الْحَقَّ بِالْبَاطِلِ وَتَكْتُمُوا الْحَقَّ وَأَنْتُمْ تَعْلَمُونَ "

And do not mix up the truth with the falsehood, nor hide the truth while you know [۲:۴۲] .((it

"أُولَٰئِكَ الَّذِينَ لَيْسَ لَهُمْ فِي الْآخِرَةِ إِلَّا النَّارُ ۖ وَحَبِطَ مَا صَنَعُوا فِيهَا وَبَاطِلٌ مَا كَانُوا يَعْمَلُونَ "

These are they for whom there is nothing but fire in the hereafter, and what [۱۱:۱۶] .they wrought in it shall go for nothing, and vain is what they do

"أَفَمَنْ كَانَ عَلَىٰ بَيِّنَةٍ مِنْ رَبِّهِ وَيَتْلُوهُ شَاهِدٌ مِنْهُ وَمِنْ قَبْلِهِ كِتَابُ مُوسَىٰ إِمَامًا وَرَحْمَةً ۚ أُولَٰئِكَ يُؤْمِنُونَ بِهِ ۚ وَمَنْ يَكْفُرْ بِهِ مِنَ الْأَحْزَابِ فَالنَّارُ مَوْعِدُهُ ۚ فَلَا تَكُ فِي مِرْيَةٍ مِنْهُ ۚ إِنَّهُ الْحَقُّ مِنْ رَبِّكَ وَلَٰكِنَّ أَكْثَرَ النَّاسِ لَا يُؤْمِنُونَ"

Is he then who has with him clear proof from his Lord, and a witness from Him [۱۱:۱۷] recites it and before it (is) the Book of Musa, a guide and a mercy? These believe in it; and whoever of the (different) parties disbelieves in it, the Fire will be their promised meeting-place. Be not then in doubt thereon: surely it is the truth from your Lord, but .most men do not believe

Then the Qur'an further stresses the objective of the Divine Law and its role in defining truth and dismissing the scheming of the



:straying human soul which intrudes on the truth a false and vain course and law

"لِيُحِقَّ الْحَقَّ وَيُبْطِلَ الْبَاطِلَ وَلَوْ كَرِهَ الْمُجْرِمُونَ "

That He may manifest the truth of what was true and show the falsehood of what [۸:۸] .was false, though the guilty disliked

"وَبِالْحَقِّ أَنْزَلْنَاهُ وَبِالْحَقِّ نَزَلَ ۗ وَمَا أَرْسَلْنَاكَ إِلَّا مُبَشِّرًا وَنَذِيرًا "

And with truth have We revealed it, and with truth did it come; and We have [۱۷:۱۰۵] .not sent you but as the giver of good news and as a warner

b. The second criterion, on which the Islamic Legislation is based, is Justice. It is the balance by which everything is weighed, and evaluated. Justice is to put everything in .its proper place, and to give to everybody his due or what he deserves

Islam says that it is just to implement whatever is true, and it is unjust and .transgressive not to do so

Justice is Allah's sacred attribute which puts its initials on His acts and is a sign of His mercy, including the Law which He sent down to all humanity. Therefore, the concept of Justice in the Qur'an is the basic principle behind all of Allah's deeds, whether .creative or legislative

The glorious Qur'an refers to this principle of the Islamic Legislation in different terms,

.such as: the balance, equity, justice, straight criterion, etc

:Allah the Almighty says

"إِنَّ اللَّهَ يَأْمُرُ بِالْعَدْلِ وَالْإِحْسَانِ وَإِيتَاءِ ذِي الْقُرْبَىٰ وَيَنْهَىٰ عَنِ الْفَحْشَاءِ وَالْمُنْكَرِ وَالْبَغْيِ ۚ يَعِظُكُمْ لَعَلَّكُمْ تَذَكَّرُونَ "

[١۶:٩٠] Surely Allah enjoins the doing of justice and the doing of good (to others) and the giving to

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the kindred, and He forbids indecency and evil and rebellion; He admonishes you that .you may be mindful

"إِنَّ اللَّهَ يَأْمُرُكُمْ أَنْ تُؤَدُّوا الْأَمَانَاتِ إِلَىٰ أَهْلِهَا وَإِذَا حَكَمْتُمْ بَيْنَ النَّاسِ أَنْ تَحْكُمُوا بِالْعَدْلِ ۚ إِنَّ اللَّهَ نِعِمَّا يَعِظُكُمْ بِهِ ۗ إِنَّ اللَّهَ كَانَ سَمِيعًا بَصِيرًا "

[۴:۵٨] Surely Allah commands you to make over trusts to their owners and that when you judge between people you judge with justice; surely Allah admonishes you with .what is excellent; surely Allah is Seeing, Hearing

"وَإِذَا فَعَلُوا فَاحِشَةً قَالُوا وَجَدْنَا عَلَيْهَا آبَاءَنَا وَاللَّهُ أَمَرَنَا بِهَا ۗ قُلْ إِنَّ اللَّهَ لَا يَأْمُرُ بِالْفَحْشَاءِ ۖ أَتَقُولُونَ عَلَى اللَّهِ مَا لَا تَعْلَمُونَ "

[٧:٢٨] And when they commit an indecency they say: We found our fathers doing this, and Allah has enjoined it on us. Say: Surely Allah does not enjoin indecency; do you ?say against Allah what you do not know

"قُلْ أَمَرَ رَبِّي بِالْقِسْطِ ۖ وَأَقِيمُوا وُجُوهَكُمْ عِنْدَ كُلِّ مَسْجِدٍ وَادْعُوهُ مُخْلِصِينَ لَهُ الدِّينَ ۚ كَمَا بَدَأَكُمْ تَعُودُونَ "

[٧:٢٩] Say: My Lord has enjoined justice, and set upright your faces at every time of prayer and call on Him, being sincere to Him in obedience; as He brought you forth in .the beginning, so shall you also return

"وَنَضَعُ الْمَوَازِينَ الْقِسْطَ لِيَوْمِ الْقِيَامَةِ فَلَا تُظْلَمُ نَفْسٌ شَيْئًا ۖ وَإِنْ كَانَ مِثْقَالَ حَبَّةٍ مِنْ خَرْدَلٍ أَتَيْنَا بِهَا ۗ وَكَفَىٰ بِنَا حَاسِبِينَ "

[٢١:۴٧] And We will set up a just balance on the day of resurrection, so no soul shall be dealt with unjustly in the least; and though there be the weight of a grain of mustard

(seed, (yet



.will We bring it, and sufficient are We to take account

The Qur'an not only lays stress on justice but it also condemns injustice and resents it in several verses, attacking the wrong-doers and threatening them with torture and :curse as is clear from the examples given below

"إِلَّا الَّذِينَ آمَنُوا وَعَمِلُوا الصَّالِحَاتِ وَذَكَرُوا اللَّهَ كَثِيرًا وَانْتَصَرُوا مِنْ بَعْدِ مَا ظُلِمُوا ۗ وَسَيَعْلَمُ الَّذِينَ ظَلَمُوا أَيَّ مُنْقَلَبٍ يَنْقَلِبُونَ "

[۲۶:۲۲۷] Except those who believe and do good and remember Allah much, and defend themselves after they are oppressed; and they who act unjustly shall know to what .final place of turning they shall turn back

"يَوْمَ لَا يَنْفَعُ الظَّالِمِينَ مَعْذِرَتُهُمْ ۖ وَلَهُمُ اللَّعْنَةُ وَلَهُمْ سُوءُ الدَّارِ "

[۴۰:۵۲] The day on which their excuse shall not benefit the unjust, and for them is curse .and for them is the evil abode

Islam thus, regards justice as the foundation on which everything in life should be based. No action and no law is right unless is based on the idea of justice. Justice gives the subject of the law its value and regard, showing its rightful position in respect to other things and events. Divine Legislation is therefore exact and balanced, with no .loss and no injustice

The Secular Laws sadly lack such noble values and criterions (Truth and Justice) in their objective form and teal nature. This is because they do not have a constant .distinct and real idea about the concept of Justice

It looks at it with a look subjected to the nature of the situations and the subjective human

estimations. Thus, the concept of Truth and Justice was merely turned into a human consideration, under the mercy of the law-gives desires and whims. Consequently, .Secular Law is deprived of the most important bases and criterions

### Objectivity

The objectivity of the Islamic Legislation is concentrated in its being free from the intrusion of personal interests of desires and the subconscious factors, which may quite possibly, knowingly or unknowingly affect the human lawmaker and participate in the making of his decisions, and his laws. Human knowledge and faculties are influenced by factors of environment, like reality and personal characteristics, as has .been proved by psychological and Social studies

This fact has also been discovered by all those who subjected the Secular Laws and man-made canons to analytical studies. It was obvious that they had been influenced by the environment, circumstances, psychological and social situations and the law-maker's personal interests and emotions. Thus, as a matter of fact, such laws carry the symptoms of the diseases prevalent in the society, and actually express the will of the rulers, as these laws can easily be affected by the legislator's desires and .inclinations

The Islamic Canon, on the other hand, is scientific, objective, honest and far from being under the influence of the motives and factors which determine man-made laws. The true law-giver, here, is Allah, the Exalted, Who is glorified from all those inclinations and impressions from which man can never completely and absolutely, be free. This is the secret of the construction of the Divine



Law, which is based on Truth and Justice, and its aim is only the welfare of humanity .and its noble objectives in life

### Clarity of Vision

The Islamic Law or the Islamic Canon, which is Divinely revealed has a clear objective,

and a defined goal, that charts out man's course in life, and shows him his aim, and man realizes that the goal of the Divine Law is to have him serve his Creator, and be liberated from all servitude and submission to human beings. Consequently, his lawful actions which he practices during his life entitle him to a lair reward in the Hereafter, unlike the Secular Law, under whose shadow man would feel heinous tied with the letters of the ruling authority which has no obvious objective except that which serves the interests of the governing clan and its ambitions, a state which should urge man to .fight such laws and get rid of them

Man, under such laws, suffers from the anguish of confusion and without any distinct goal in life. He finds no sense in adhering to a law but only to an extent which affords him a limited and spontaneous objective, or spares him the penalty imposed by the government on those who dis-obey its laws. Such laws cannot cope with the needs of .the human soul, nor can they express his lawful ambitions in life

That is why the individual under the grip of this law does not respect its regulations sincerely and tries to break through its bonds whenever opportunity



affords him the chance, the eye of the authority's watchman dozes off, or when he .realizes the triviality of the law which does not deserve to be obeyed

This fact is supported by the statistics issued by the quarters concerned with criminology and instances of law breaking. They say that the figures for crimes are ever increasing, and the number of those who break the law is growing every year, proving the fact that the Secular Law is incapable of solving man's problems and .inspiring respect and obedience from him

On the other hand the Islamic Law encourages man to apply it sincerely and defend .the will of the law and its objectives

This is because the individual under the shelter of the Islamic Law feels that the law protects his interests and cares for his objectives both in this world and in the

.Hereafter

Faith inspires the faithful Muslim that he is responsible before his Creator for enacting .the will of the law and carry out its decisions sincerely

Thus, judging from this ideological and rational point, the Islamic Law acquires a spiritual power and a moral drive enabling it to be applicable and its aims to be .attainable more than if it depended on force and compulsion

### The Ethics of the Islamic Law

The Islamic Law is based on its respect for morals, safeguarding them and maintaining close ties with them, contrary to the Secular Law, which does not adhere to morality, nor cares for it. Secular Law, so neglects the ethical argument and turns away from it that the



human civilization is thrown at a terrible tragedy which drags man down the precipice .or degradation and lawlessness

This irrational theory of separation between morals and law gave birth to different materialistic cultures of diverse ideological trends and courses, such as Marxism, Communism, Existentialism, Freudianism, Capitalism, Socialism and other .philosophies and social opinions

Capitalism, for example, regards morals as a personal behavior connected to the individual's freedom, and that the law or the state has no right to meddle in personal affairs, nor enact laws protecting morals, unless a personal behavior may endanger the freedom of the others, or falls within the scope of the criminal law based on the general philosophy of the capitalist concept. Thus Capitalism not only believes in .irresponsible freedom or permissiveness but actually builds all human activity on it

Communism regards morals (as stated in the Communist Manifesto of Marx and Engels) as bourgeois deception which must be abolished. It says: Religion, constitution

.and morals are but a bourgeois deception

So, morals, according to Marxism, is a social phenomenon imposed by the bourgeois systems to protect themselves, by deceiving the people and convincing them of such ethical concepts as mercy, truth, duty, right, kindness, disdain, shame, etc. Therefore, it is necessary for the Marxist Revolution to destroy morals and exterminate them, .according to the communists

Now on comparing these ignorant Western and Eastern concepts with the Divine :Islamic Religion, we find the Messenger of Islam, Muhammad (SAW) saying

I have been sent to complete the noblest of morals", and "The one"

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who is the best in morals is the most complete in faith. In light of these statements we discover that Islam dignifies the human-being and bases life on firm moral foundations which distinguish the Islamic Law and Society from other laws and ".societies

That is why the Islamic Law flows with the spirit of morality and undertakes to implant .and protect ethics in all aspects of life

The Islamic Law in contrast to the Secular is based on moral imperatives, which .regulates human conduct

Thus the Messenger of Islam, Muhammad (S.A.W) did not simply transmit these Laws, but implemented them in the life of a socio-political order, showing their eternal .practicability

#### Capacity and Universality

One of the major differences between the Secular Law and the Islamic Law is the latter's capacity and universality. The Islamic Law leaves no part of the human activity, big or small, without having it organized in one way or another, through well-defined laws, rules and regulations. It deals with man as an objective and complete

unit of different individual and social activities, organizing it, controlling its behavior and subjecting it to an exact legal discipline, which covers every part of its actions like eating, drinking, behavior and relations with the family, neighbors and friends, as well .as caring for the body, the clothes, etc

It prohibits all actions which are harmful such as gambling, drinking wine, adultery, wantonness, and the like. It also handles the individual within a wide scope of social organization, through organizing economy, politics, war, peace, judicature, finance, ,work, commerce



.etc

As to the Secular Law, it miserably lacks all these characteristics, since it suffers from the narrowness and limits of its horizon and is incapable of organizing the different .aspects of the human behavior, as the Islamic Law does

A considerable part of the human activity is neglected by the Secular Law on the pretext that it concerns the individual conduct which has nothing to do with the law, and thus, it falls short of defining the all-embracing unity of human activity, leaving wide spaces of life suffering from negligence and confusion. This, as a matter of fact, causes unbridgeable gaps in social discipline in adjusting man's behavior, and in turn .makes it a paralyzed law, incapable of guaranteeing justice peace and security

#### Harmony and Non-contradiction

The Islamic Law forms a perfect responsive and objective unit. Each part of it supports the other and helps it to be applicable. The prohibition of alcoholic drinks, for example, closes the possibility of yet another related crime, which is also punishable .by Islam

Islam's prohibition of performing the prayers on a usurped property helps to protect .people`s rights and to respect private possession

In this way Islam fixes the connection among all its laws and rules, unlike the Secular Law which stifles from divisions and lacks cohesive unity, because most of its laws are .often self- contradictory

The Secular Constitutions, likewise, stiller from similar contradiction and discord, despite the fact that constitutions are the origins from which laws are derived. This grave deficiency forces the legislative authorities, according to the circumstances



to establish Constitutional Tribunals to tackle and solve such contradictions in many .instances

Examples reflecting these conflicts and contradictions come from man. In some countries the Mercantile Law contradicts the Economic or Administrative Law, or all these laws taken together may contradict the spirit of the political constitution itself. In the Socialist regimes, for example, where the wealth is in the hands of the State and where there is no private possession, the laws, nevertheless, allow the government to conclude contracts with individual contractors. Or with large monopolizing companies! Or, they may allow alcoholic drinks, but at the same time, may punish those who commit some crime because of intoxication. Weird indeed, the !law itself paves the way for them to be caught in its trap and vet it punishes them

Thus, the Secular Law falls in a state of contradiction and conflict because of the multiplicity of law-makers with certainly different motives and deficient knowledge .which make them fall short of realizing the truth and the need

**Humanitarianism**

One of the most important differences between the Secular Law and the Islamic Law is the fact that the Islamic Law is humanitarian, Regionalism, racialism, class-discrimination, opportunism and egoism are not found in the text and spirit of the Islamic Law as the call of Islam is addressed to the human race as a whole. Its message is a universal one. Its laws are general and not legislated for the sake of a :particular group. The glorious Qur'an says to the Messenger

“وَمَا أَرْسَلْنَاكَ إِلَّا رَحْمَةً

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لِلْعَالَمِينَ “

.And We have not sent you but as a mercy to the worlds [٢١:١٠٧]

The contrary is the case concerning the Secular Law. It reflects the legislator's understanding and his personal inclination. It is full of anti-human concepts causing it to revolve within narrow limits, such as regionalism, racialism, class-difference, individual selfishness and the like. All these result in injustice, deprivation and suppression for those who are compelled to abide by this law which only expresses the legislator's understanding of the matter and his aggressive, anti- humanistic .trend

## Everlastingness

The biggest characteristic distinguishing the Islamic Canon from other laws is the fact that it is everlasting. Islam alone enjoys this attribute which gives it the power throughout the ages and it remains with the generations as a leader, director and .pioneer on the road of virtue, guidance and sound cultural construction

:Islam's everlastingness is due to the following factors

a. Islam represents the eternal logic of truth and justice in life, since it expresses the :eternal will and wisdom of Allah in existence, Allah, the Exalted, says

“إِنَّ اللَّهَ يَأْمُرُ بِالْعَدْلِ وَالْإِحْسَانِ وَإِيتَاءِ ذِي الْقُرْبَىٰ وَيَنْهَىٰ عَنِ الْفَحْشَاءِ وَالْمُنْكَرِ وَالْبَغْيِ ۚ يَعِظُكُمْ لَعَلَّكُمْ تَذَكَّرُونَ “

Surely Allah enjoins the doing of justice and the doing of good (to others) and [١۶:٩٠] the giving to the kindred, and He forbids indecency and evil and rebellion; He .admonishes you that you may be mindful

“قُلْ أَمَرَ رَبِّي بِالْقِسْطِ ۖ وَأَقِيمُوا وُجُوهَكُمْ عِنْدَ كُلِّ مَسْجِدٍ وَادْعُوهُ مُخْلِصِينَ لَهُ الدِّينَ ۚ كَمَا بَدَأَكُمْ تَعُودُونَ “

Say: My Lord has enjoined justice, and set upright your [٧:٢٩]

faces at every time of prayer and call on Him, being sincere to Him in obedience; as He brought you forth in the beginning, so shall you also return.

“وَبِالْحَقِّ أَنْزَلْنَاهُ وَبِالْحَقِّ نَزَلَ ۗ وَمَا أَرْسَلْنَاكَ إِلَّا مُبَشِّرًا وَنَذِيرًا ”

[۱۷:۱۰۵] And with truth have We revealed it, and with truth did it come; and We have not sent you but as the giver of good news and as a warner.

b. Islam expresses the universal legislative form of the eternal human rules in man himself, whether physical, psychological, intellectual or spiritual.

Islam is not the off-spring of particular social circumstances, nor is it the product of human thinking under certain limits of time, place and thought. In fact, it is the legislative formulation of the nature of human life, and a complete disclosure of its rules and systems.

c. Islam does not impose a rigid form of application and enactment. Actually, it is open and flexible concerning the methods and ways of application, which man may device in every generation to suit his purpose for the enactment of his obligations, provided he keeps to the spirit of the Divine Law, and sincerely carries out its decisions.

d. The open doors of ‘Ijtihad’(۱) i.e. legislative and rational decisions, based on the principles, concerning different matters which may arise due to changing circumstances, is acceptable to Islam.

The Secular Law avails of no such merits. It revolves within the limits of the will of its maker and his social conscience, which would inevitably be reflected through the spirit of legislation,



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۱ - Ijtihad: The process of arriving at a personal opinion by an Islamic jurisprudent through inference, induction and analogy.

stamping it with deficiency and incapability. This, of course, would result in laws far from being in harmony with the natural rules of life, or failing to meet the .requirements for a sound development of a human being

Actually, there are ample chances for interference in these laws and turning them into loose verbal forms twistable in accordance with the desires and the drives of rulers who coin them, change them, or cancel them whenever these do not suit their .purpose

:Such people are described in the Qur'an as

"إِنَّمَا النَّسِيءُ زِيَادَةٌ فِي الْكُفْرِ ۖ يُضَلُّ بِهِ الَّذِينَ كَفَرُوا يُحِلُّونَهُ عَامًا وَيُحَرِّمُونَهُ عَامًا لِيُوَاطِئُوا عِدَّةَ مَا حَرَّمَ اللَّهُ فَيُحِلُّوا مَا حَرَّمَ اللَّهُ ۚ زُيِّنَ لَهُمْ سُوءُ أَعْمَالِهِمْ ۗ وَاللَّهُ لَا يَهْدِي الْقَوْمَ الْكَافِرِينَ "

Postponing (of the sacred month) is only an addition in unbelief, wherewith those [۹:۳۷] who disbelieve are led astray, violating it one year and keeping it sacred another, that they may agree in the number (of months) that Allah has made sacred, and thus violate what Allah has made sacred; the evil of their doings is made fairseeming to .them; and Allah does not guide the unbelieving people

So, they assume the powers to confirm or change laws, as if there were no reality for truth, justice and the natural law established in the world of existence, save that :which cares for their own interests

"وَلَوِ اتَّبَعَ الْحَقُّ أَهْوَاءَهُمْ لَفَسَدَتِ السَّمَاوَاتُ وَالْأَرْضُ وَمَنْ فِيهِنَّ ۚ بَلْ أَتَيْنَاهُمْ بِذِكْرِهِمْ فَهُمْ عَنْ ذِكْرِهِمْ مُعْرِضُونَ "

And should the truth follow their low desires, surely the heavens [۲۳:۷۱]



and the earth and all those who are therein would have perished. Nay! We have .brought to them their reminder, but from their reminder they turn aside

In short, the Secular Law represents only the will of its makers and expresses only their ideology, desires and interests, away from the logic of truth and justice in their

true objectivity. Truth, in the eyes of such laws, is but what is agreeable to the law-makers, and justice, to them, is but what follows the whims of the law-makers and .protects their authority and interests



## About center

In the name of Allah

هَلْيَسْتَوِيالَّذِينَيَعْلَمُونَوَالَّذِينَلَايَعْلَمُونَ

?Are those who know equal to those who do not know

al-Zumar: ۹

:Introduction

Ghaemiyeh Computer Research Institute of Isfahan, from ۲۰۰۷, under the authority of Ayatollah Haj SayyedHasanFaqihImami (God blesses his soul), by sincere and daily efforts of university and seminary elites and sophisticated groups began its activities .in religious, cultural and scientific fields

:Manifesto

Ghaemiyeh Computer Research Institute of Isfahan in order to facilitate and accelerate the accessibility of researchers to the books and tools of research, in the field of Islamic science, and regarding the multiplicity and dispersion of active centers in this field

and numerous and inaccessible sources by a mere scientific intention and far from any kind of social, political, tribal and personal prejudices and currents, based on performing a project in the shape of (management of produced and published works from all Shia centers) tries to provide a rich and free collection of books and research papers for the experts, and helpful contents and discussions for the educated generation and all classes of people interested in reading, with various formats in the .cyberspace

:Our Goals are

(propagating the culture and teachings of Thaqalayn (Quran and Ahlulbayt p.b.u.t-

encouraging the populace particularly the youth in investigating the religious issues-

replacing useful contents with useless ones in the cellphones, tablets and computers-

providing services for seminary and university researchers-

spreading culture study in the publich-

paving the way for the publications and authors to digitize their works-

:Policies

acting according to the legal licenses-

relationship with similar centers-

avoiding parallel working-

merely presenting scientific contents-

mentioning the sources-

.It's obvious that all the responsibilities are due to the author

:Other activities of the institute

Publication of books, booklets and other editions-

Holding book reading competitions-

Producing virtual, three dimensional exhibitions, panoramas of religious and tourism- places

.Producing animations, computer games and etc-

Launching the website with this address: www.ghaemiyeh.com-

Fabricatingdramatic and speech works-

Launching the system of answering religious, ethical and doctrinal questions-

Designing systems of accounting, media and mobile, automatic and handy systems,- web kiosks

Holding virtual educational courses for the public-

Holding virtual teacher-training courses-

Producing thousands of research software in three languages (Persian, Arabic and- English) which can be performed in computers, tablets and cellphones and available and downloadable with eight international formats: JAVA, ANDROID, EPUB, CHM, PDF, HTML, CHM, GHB on the website

Also producing four markets named “Ghaemiyeh Book Market” with Android, IOS,- WINDOWS PHONE and WINDOWS editions

:Appreciation

We would appreciate the centers, institutes, publications, authors and all honorable .friends who contributed their help and data to us to reach the holy goal we follow

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Users’ affairs: ٠٩١٣٢٠٠٠١٠٩

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